

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	NO. CV-04-5051-LRS
)	
-vs-)	DECREE OF FORECLOSURE
)	
JOSEPH E. PAULY and JUDY PAULY)	
aka JUDY B. PAULY, Husband and)	
Wife,)	
)	
Defendants)	
)	

BEFORE THE COURT is the United States' Motion for Decree of Foreclosure and Order of Sale (Ct. Rec. 21). Having fully reviewed the file and pleadings herein, and having received no opposition to the motion by the defendants, the Court hereby **GRANTS** said motion and enters the following Order and Decree of Foreclosure.

PRELIMINARY STATEMENT

The United States commenced this action on May 5, 2004, to collect an indebtedness owed by defendants Joseph E. Pauly and Judy B. Pauly, husband and wife, to the Farm Service Agency, United States Department of Agriculture, and to foreclose real estate mortgages and security agreements securing that debt. On October 4, 2004, this Court awarded judgment in favor of the United States and against the Paulys in

1 the amount of \$213,252.06 (\$209,767.05 principal and \$3485.01 interest
2 accrued through August 9, 2004); plus interest to accrue at the rate of
3 \$13.7787 per day to the date of judgment herein, together with interest
4 at the legal rate thereafter until paid in full; plus costs of suit,
5 including the filing fee allowed pursuant to 28 U.S.C. § 2412(a)(2).

6 The debt upon which that judgment is based is secured and perfected
7 by the following:

8 (1) a real estate mortgage recorded on January 21, 1977, under
9 Auditor's File No. 367154, in the Official Records of Franklin County,
10 Washington;

11 (2) a real estate mortgage recorded on June 29, 1979, under Auditor's
12 File No. 392966, in the Official Records of Franklin County, Washington;

13 (3) a real estate mortgage recorded on March 15, 1982, under Auditor's
14 File No. 416931, in the Official Records of Franklin County, Washington;

15 (4) a real estate mortgage recorded on September 19, 1982, under
16 Auditor's File No. 420684, in the Official Records of Franklin County,
17 Washington;

18 (5) an amendment of real estate mortgage, recorded on May 19, 1986,
19 as Instrument No. 445379, in the Official Records of Franklin County,
20 Washington;

21 (6) an amendment of real estate mortgage, recorded on September 13,
22 1989, as Instrument No. 466905, in the Official Records of Franklin
23 County, Washington;

24 (7) security agreements in the aforementioned mortgages covering
25 sprinkler equipment, which were perfected by a financing statement
26 recorded September 13, 1989, as Instrument No. 466906; a continuation

1 statement recorded August 22, 1994, as Instrument No. 513047; and a
2 continuation and amendment statement recorded April 28, 1999, as
3 Instrument No. 1565237, in the Official Records of Franklin County,
4 Washington;

5 (8) a real estate mortgage recorded on September 13, 1989, under
6 Auditor's File No. 466904, in the Official Records of Franklin County,
7 Washington; and

8 (9) security agreements covering farm equipment, which were perfected
9 by a financing statement recorded August 20, 1982, as Instrument No.
10 82-232-0909; a continuation statement recorded August 20, 1987, as
11 Instrument No. 87-232-0804; a continuation and amendment statement
12 recorded August 19, 1992, as Instrument No. 92-232-0015; a continuation
13 statement recorded May 7, 1997, as Instrument No. 97-127-0157; and a
14 continuation statement recorded March 28, 2002, as Instrument No.
15 2002-034-7631-3, in the Official Records of the Secretary of State of
16 Washington.

17 The foregoing real estate mortgages, security agreements, financing
18 statements, and amendments thereto cover the following described property
19 situated in Franklin County, State of Washington:

20 REAL PROPERTY

21 Farm Unit 125, Fourth Revision Irrigation Block 19, COLUMBIA BASIN
22 PROJECT, WASHINGTON, according to the Plat thereof, recorded in Volume
23 1 of South Columbia Basin District Plats, Page 25, records of Franklin
County, Washington.

24 and the following-described irrigation and sprinkler equipment located
25 in the State of Washington:

26 1 50HP irrigation Pump, Motor and Electric Panel
1 7' wheel line - 1280' x 4" steel aluminum
1 7' wheel line - 1240' x 4" steel aluminum

1 1 7' wheel line - 1160' x 4" steel aluminum
1 7 wheel line - 1080' x 4" steel aluminum
2 14,840' x 3" aluminum handline with sprinkler heads
2,040' x 4" portable aluminum mainline
3 1,400' x 10" concrete mainline
1 Pringle - 9-Tower Circle 1100'
4 1 Raincoat 10 Tower Circle - 130' Serial #ORC-263

5 Including but not limited to the above-described sprinkler system
6 including any replacements of or additions to such systems together with
all fittings, risers, and sprinkler heads.

7 FARM EQUIPMENT

8 1 Tractor, AC 190XT, 1968 S/N 2D1160
1 Disc, AC 10', 1969
9 1 Packer, 11'
1 Welder, Lincoln 250 AMP, S/N AC178600
10 1 Gas Welder, Victor OXYRL67129, S/N ACET 861258
1 Blade, Heath 8'
11 1 Grain Drill, JD 8200-12', 1975
1 Truck, Dodge FS, 1973, S/N C61FL3J018345
12 1 Combine, MH 510 w/cab, 1971, S/N 13666
w/header, MH & Air, S/N 148618723
13 1 Header, MH 43 4row, S/N 1438030880
1 Rotary Chopper, Wood 6'
14 1 Plow, Rollover JD

15 DECREE OF FORECLOSURE

16 Based on the foregoing, and in accordance with the relief prayed for
17 by the United States in its Complaint, said real estate mortgages,
18 security agreements, and financing statements, which constitute first and
19 prior liens upon the property described therein, are hereby foreclosed
20 and defendants Joseph E. Pauly and Judy B. Pauly, husband and wife, and
21 all persons claiming by, through or under them are forever barred and
22 foreclosed from asserting any right, title, or interest in and to said
23 property, except for the statutory rights of redemption allowed by the
24 laws of the State of Washington.

25 PROPOSED ORDER TO BE SUBMITTED

26 Plaintiff shall submit a Proposed Order of Sale to the District
Court Clerk for execution no sooner than the expiration of 10 days

